

Message

From: Moraff, Kenneth [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6170EF3BAEF40C3BDECAB56FD74B07A-MORAFF, KENNETH]
Sent: 1/20/2021 9:34:22 PM
To: R1 WD ALL [R1WDALL@epa.gov]
Subject: FW: 3 E&E News stories - Biden Transition // EPA related
Attachments: Regs to be revisited - 1-20-21.pdf

There's a reference below to a list of specific regulations to be reviewed – I've attached the list.

Ken

From: Deegan, Dave <Deegan.Dave@epa.gov>
Sent: Wednesday, January 20, 2021 4:28 PM
To: R1 Executives All <R1ExecutivesALL@epa.gov>; R1 OPA <R1_OPA@epa.gov>
Subject: 3 E&E News stories - Biden Transition // EPA related

Hi All,

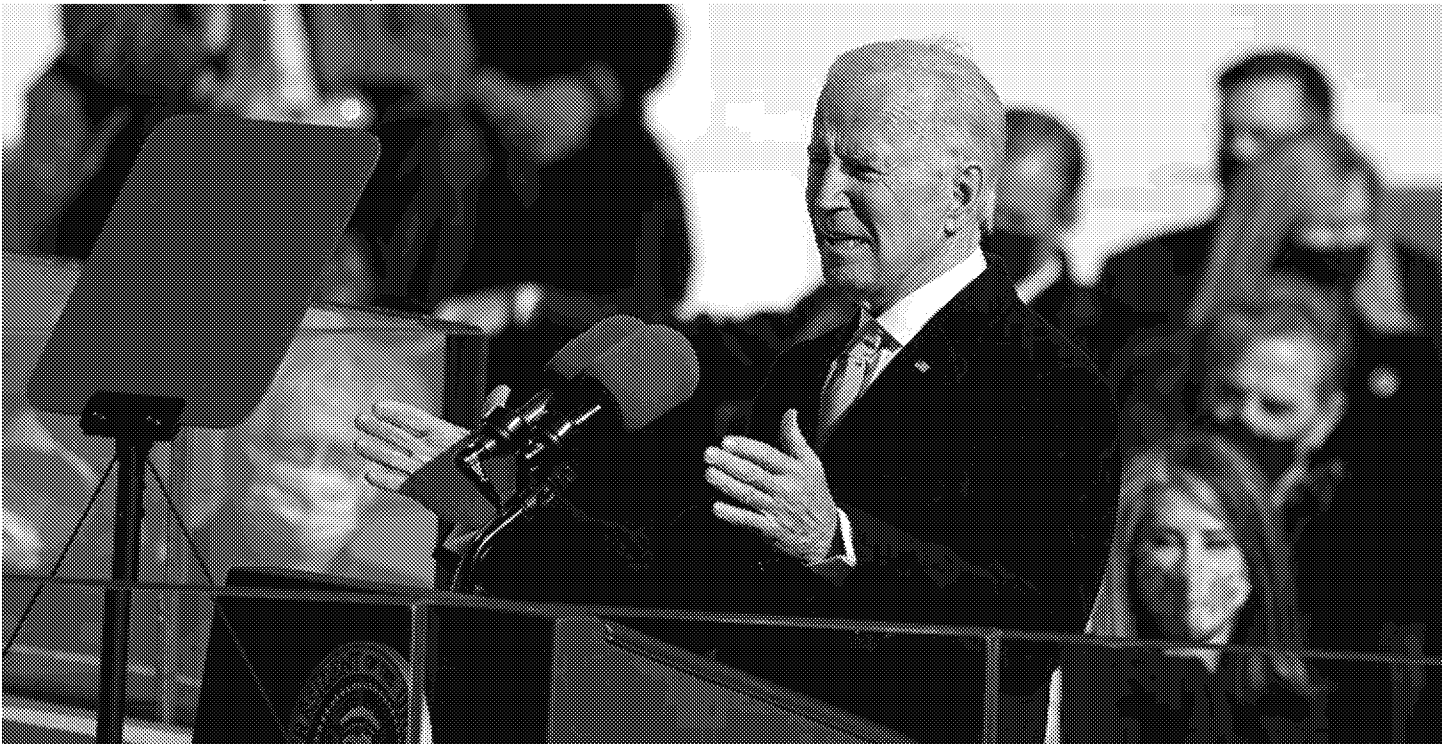
Just passing along a few news clips from this afternoon. Hope everyone was able to watch some of this historic transition today.

DD.

Biden orders sweeping review of Trump regulations

Kelsey Brugger, E&E News reporter

Published: Wednesday, January 20, 2021



President Biden delivering his inaugural address this afternoon. Francis Chung/E&E News

President Biden will issue a sweeping executive order today to review former President Trump's environmental rollbacks across the federal government.

The order, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," details a long list of Trump environment and energy policies the incoming team will scrutinize in its first days in office.

In a press release today, the Biden transition team said the order includes a "nonexclusive" list of actions. It spans several agencies, from EPA to the departments of the Interior, Commerce and Justice.

On the list are high-profile Trump initiatives that weakened protections on air pollution, water quality, toxics and ecosystems.

Specifically, Biden points to the Trump rewrite of National Environmental Policy Act rules. A review is a priority for environmental justice advocates who want to secure public participation in Black and other minority communities often plagued with pollution.

At EPA, the Biden team identified the highly controversial science "transparency rule" that restricted what research the agency can use in rulemaking. At Interior, rules that narrowed definitions for endangered species and critical habitat are on the list.

Other actions the new Biden administration will scrutinize, according to a fact sheet, include pipeline permits and energy efficiency standards.

Regulatory scholars expressed amazement this morning that the Biden team was so thorough in its public list of rules. Sources could not recall the same occurring at the beginning of the Trump or Obama administrations.

"It is an unusually long list of regulations to be reviewed," said Richard Revesz, whose name has been floated as a potential White House regulatory chief. "The reason for the unusual length of this list is that no prior administration has ever taken so many actions that do so much harm to the health of the American people and the environment."

Kristine Simmons, vice president at the Partnership for Public Service, noted that Biden has an ambitious agenda that includes forward-looking changes as well as rolling back Trump actions.

"It is no surprise that the Biden team is exercising executive authority where it is in their power to do so — but I cannot recall an administration that has moved on so much, so quickly," she said in a statement.

"The Biden-Harris administration will need to work with Congress to get things done, but Congress rarely moves quickly unless it is a time of crisis."

Twitter: [@kelseybrugger](#) Email: kbrugger@eenews.net

Biden team puts Trump air pollution rules under a microscope

Sean Reilly, E&E News reporter

Published: Wednesday, January 20, 2021

The Biden administration announced plans to review a host of air regulations. Tony Webster/Wikimedia Commons

The Biden administration signaled plans today to scrutinize major air and climate regulatory endeavors undertaken by EPA under former President Trump.

Among them: the rollbacks of Obama-era vehicle emissions standards and methane regulations on the oil and gas industry, recently published rules that leave ambient air standards for soot and ozone unchanged for years to come, and newly issued greenhouse gas standards for jet aircraft.

The roster — listed by the Biden transition team shortly before the inauguration — is part of a broader rundown of Trump-era initiatives by EPA set for review in accordance with a forthcoming executive order titled "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis."

Many of those initiatives are already facing lawsuits; one of them, the 2019 Affordable Clean Energy rule related to greenhouse gas emissions for coal-fired power plants, was struck down yesterday by the U.S. Court of Appeals for the District of Columbia Circuit ([Climatewire](#), Jan. 20).

The review could help guide the Biden administration's approach to navigating the remaining thicket of litigation, as well as the potentially daunting challenge of administratively unwinding rules already on the books.

"I suspect that these reviews will have implications for ongoing litigation, and how that plays out may depend on the particular case," Peter Zalzal, senior counsel with the Environmental Defense Fund, a plaintiff in some of those lawsuits, said in an interview this morning.

But the list also underscores that "there is now an opportunity to work together to put in place protections that are ambitious, that are durable, and to do that with a sense of urgency," Zalzal said.

He predicted that some of the Trump administration's decisions — such as the status quo soot rule and the rollback of car emissions standards under what is known as the Safer Affordable Fuel-Efficient (SAFE) Vehicles rule — could be quickly revisited and reversed.

Of 48 EPA "agency actions" on the review list, more than one-third are related to air quality or climate.

In the Trump administration's final months, EPA had raced to lock in a final round of industry-friendly initiatives; a rule geared to make it harder to regulate greenhouse gas releases from refineries and other industrial sectors was made final only last week ([Climatewire](#), Jan. 13).

Others now set for scrutiny include last year's repeal of the legal basis for the Obama-era air toxics standards for coal-fired power plants as well as new requirements for forecasting the costs and benefits of future Clean Air Act regulations.

The review roster also encompasses more parochial decisions such as EPA's approval of ozone-related air plans for the Houston and Dallas-Fort Worth metro areas in Texas.

With Biden pledging a newfound emphasis on environmental justice, the new administration will take a look at the Trump-era scrapping of the "once in, always in" policy that required factories and other large industrial sources of hazardous air pollutants to maintain strict lifetime controls on their plants' operations. Critics have said that repeal will disproportionately affect low-income neighborhoods and communities of color more likely to be located near those facilities.

Public health and environmental advocates were quick today to applaud Biden's plans.

"I'm particularly pleased that the administration will consider revising vehicle fuel economy and emissions standards and will ensure that federal agencies, when issuing regulations, account for the full costs of global warming pollution, including climate risks and environmental justice," Kathleen Rest, executive director of the Union of Concerned Scientists, said in a statement.

Here's who is running the agency

[Kevin Bogardus](#), E&E News reporter



Charlotte Bertrand, EPA's deputy associate administrator for programs, has worked at the agency for over two decades. Senate Environment and Public Works Committee

EPA has named a number of career officials to run its program and regional offices until the incoming Biden administration's appointees arrive at the agency.

Charlotte Bertrand, a newly promoted career official at EPA, will serve at the top of the agency as administrator, according to an internal email obtained by E&E News. Last month, she was named associate deputy administrator for programs, leaving the agency's water office to join the administrator's office.

President Trump then issued an executive order changing the order of succession at EPA, adding Bertrand's new position to the line of power at the agency. A longtime career official, Bertrand is considered close to Trump's political appointees and worked on several controversial rules during his administration (Greenwire, Jan. 11).

In the final days of the Obama administration, EPA also named career officials to manage the agency until Trump's team came on board (E&E News PM, Jan. 12, 2017).

Some EPA career officials will serve in leadership again for posts they once held four years ago as they waited for Trump's appointees. Those officials include David Bloom for the financial office, Sarah Dunham for the air office, Barry Breen for the solid waste office and Larry Starfield for the enforcement office.

Career officials can be at the top of EPA for weeks as they wait for a new president's nominees to be confirmed by the Senate. Catherine McCabe, then deputy regional administrator for EPA Region 2, spent nearly a month as acting administrator until Scott Pruitt's arrival in February 2017.

"During the transition period starting the afternoon of January 20, 2021, the agency leadership team will be as follows until otherwise superseded," outgoing EPA Chief of Staff Mandy Gunasekara said in the email sent yesterday to agency employees.

"Thank you to the leadership team for taking on this important responsibility and continuing the work of the agency."

Those EPA officials are as follows:

Administrator: Charlotte Bertrand

Office of the Chief Financial Officer: David Bloom

Office of Air and Radiation: Sarah Dunham

Office of Water: Andrew Sawyers

Office of Land and Emergency Management: Barry Breen

Office of Chemical Safety and Pollution Prevention: Tala Henry

Office of Research and Development: Jennifer Orme-Zavaleta

Office of General Counsel: Jim Payne

Office of Enforcement and Compliance Assurance: Larry Starfield

Office of International and Tribal Affairs: Jane Nishida

Office of Mission Support: Donna Vizian

Office of Policy: Helena Woods-Aguilar

Office of Congressional and Intergovernmental Relations: Robin Richardson

Office of Public Engagement and Environmental Education: Lee Tanner

Office of Public Affairs: Nancy Grantham

Region 1: Deb Szaro

Region 2: Walter Mugdan

Region 3: Diana Esher

Region 4: John Blevins

Region 5: Cheryl Newton

Region 6: David Gray

Region 7: Ed Chu

Region 8: Deb Thomas

Region 9: Deb Jordan

Region 10: Michelle Pirzadeh